

**United States Department of the Interior
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
Telephone: (602) 242-0210 FAX: (602) 242-2513**

AESO/FA

December 14, 2000

Ms. Cindy Lester
Chief, Regulatory Branch
U.S. Army Corps of Engineers
3636 North Central Avenue, Suite 760
Phoenix, Arizona 85012-1936

Dear Ms. Lester:

The Service has reviewed Pre-Construction Notification (PCN) number 2000-00456-RWF, dated November 30, 2000. Kaufman and Broad of Arizona, Inc. (applicant) has applied for a Nationwide Permit (NWP) under Section 404 of the Clean Water Act (CWA) to construct the Skyline Ranch project in Mesa, Maricopa County, Arizona (Section 9, T1S, R7E). These comments are provided under the authority of and in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended U.S.C. 661 et. seq.) (FWCA), but do not constitute our final review of the permit application under the FWCA.

The PCN indicates the project would impact 1.9 acres of jurisdictional washes. We believe the permitted project is the footprint of the entire development and not merely those portions within jurisdictional washes. Based on the map provided with the PCN, the overall development is substantially larger than 1.9 acres. The impact of the total development which would be authorized by your agency should be assessed, including parts to be located on uplands and any secondary, indirect, and cumulative effects, as well as any interrelated and interdependent activities.

Based on the size of the project and the necessity to include mitigation, we are concerned that Skyline Ranch may result in more than minimal individual or cumulative adverse environmental effects and not qualify for authorization under the NWP program. The District Engineer should exercise discretionary authority and instruct the applicant to apply for an individual permit. When the Public Notice has been distributed, we will review the available information and prepare substantive project specific comments in accordance with the FWCA and the CWA.

Mrs. Cindy Lester

2

If we can be of further assistance please contact Mike Martinez (x224) or Don Metz (x217).

Sincerely,

/s/ David L. Harlow
Field Supervisor

cc: Regional Administrator, Environmental Protection Agency, San Francisco, CA
Supervisor, Project Evaluation Program, Arizona Game and Fish Department, Phoenix, AZ
District Engineer, Army Corps of Engineers, Los Angeles, CA

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